

FILED
Clerk
District Court

JUL 10 2008

For The Northern Mariana Islands
By _____
(Deputy Clerk)

ERIC JOHN TUDELA MAFNAS
REG,NO. 00483-005
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 9000
SAFFORD, AZ 85548

PRO SE

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,
Respondent(s),

vs.

ERIC JOHN TUDELA MAFNAS,
Petitioner.

CV 08 - 0031

CASE NO. CR-04-00038-001

MOTION FOR APPOINTMENT OF
COUNSEL PURSUANT 18 U.S.C.
§ 3006A (g).

COMES NOW, ERIC JOHN TUDELA MAFNAS, requesting that the Honorable
of this Court to please accept this motion. in its form, requesting
this court to appoint counsel, to represent me during proceeding
under Title 28 U.S.C. §2255.

Petitioner in this matter cannot afford to hire private counsel
due to the fact that I am indigent. I have no training or experience
to adequately represent myself. This §2255 proceeding is a critical
step of my due process, and it would be unjust to leave me without
a counsel at this time in the proceeding.

There were errors, omissions, mistakes and defendant's Sixth
Amendment right to counsel were violated. There was also a conflict
of interest during trial in this matter. There were several other
constitutional violation that accord in defendant's case, in which
counsel failed to raised during direct appeal.

It would be in the court's best interest as well as mine , to have

1 someone trained to handle this case.

2 Counsel must be appointed for an indigent federal habeas
3 petitioner only when the interest of justice or due process so
4 require. 18 U.S.C. §3006A(g); Norris v. Wainwright, 588 F.2d 130,
5 133(5th Cir.), cert denied, 444 U.S. 846, 100 S.Ct. 93, 62 L.Ed,
6 2d 60 (1979).

7 Petitioner in this matter prays that the Honorable of this court
8 grant counsel in the above case.

9
10
11 Dated 28th May, 2008

Respectfully Submitted

12 Eric J. Mafnas
13 Eric John Tudela Mafnas
14 Reg.No. 00483-005
15 FCI Safford
16 P.O. Box 9000
17 Safford, AZ 85548

18
19 **CERTIFICATE OF SERVICE**

20 I HEREBY CERTIFY that a true and correct copy of the foregoing
21 motion for Appointment of Counsel was mailed via first class, pre
22 paid mail this 29th day of May, 2008 to the Clerk of the court
23 for the Northern District of Mariana Islands, P.O. Box 500687,
24 Saipan, MP 96950.
25
26
27
28

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I have served an accurate copy of the attached 28 U.S.C. §2255 motion to vacate and set aside sentence. Affidavit in support of motion and Exhibit's A,B,C,D,E, in support of defendant's motion.

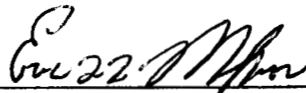
upon the following party (ies):

To: The Clerk of the Court
District Court for Northern
Mariana Islands.
P.O.Box 500687
Saipan, MP. 96950

U.S. District Attorney
District of Northern Marianas Islands
P.O.Box 500377
Saipan, MP. 96950

postage prepaid, by placing same in the Bureau of Prisons' mailing system, on the date set forth below.

DATED: May 28, 2008.
Safford, Arizona


Eric John Tudela Mafnas
Reg. No. 00483-005
Federal Correctional Institution
P.O.Box 9000
Safford, AZ. 85548